

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: : Jori ARRAKOSKI, et al.  
Application Serial No.: : 10/089,326  
Confirmation No. : : 1361  
Filing Date : : December 9, 2002  
Title : : MULTILAYER TELECOMMUNICATIONS NETWORK  
Art Unit : : 2616  
Examiner : : Juh-Yih Shue

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED OFFICE ACTION**

Sir:

Applicants gratefully acknowledge the first Office Action dated October 10, 2006.

Applicants submit that the Office Action: 1) is based on the wrong application papers; and 2) includes an unclear objection to terms used in the claims. It is therefore respectfully requested that the Office Action be corrected to: 1) confirm the proper application papers containing an abstract; and 2) clarify unusual statements made with respect to the claims.

First, in Part 3 on page 2 of the Office Action, it is stated that there is no abstract in this application and correction is required. This statement and requirement is confusing. As acknowledged by the official filing receipt, this application is a 371 application of PCT Application No. IB00/01434 filed on September 27, 2000 and published on April 5, 2001. A copy of the transmittal letter for the 371 national stage application and the first page of published application enclosed with the transmittal letter are attached to this Request.

According to 35 USC 375, this national stage application is based on PCT International Application No. IB00/01434. The PCT application clearly includes an abstract of the disclosure (on the first page of the published application). Applicants cannot respond to the objection in the manner that is required. There is apparent confusion as to what application papers are being relied upon and so clarification is needed.

Second, in Part 6 on page 3 of the Office Action, there is an objection or some other sort of comments on the terms "capable of" and "may" that are used in the claims. Fundamentally, it is not clear what, if any, requirement is being made. At first, it is "suggested" that the terms not be used in the claims, but then it is stated that "[a]ppropriate correction is required." Applicants therefore request that it be clarified whether in fact correction is required or not.

If correction is indeed required, applicants request the proper indication of the statute or rule which the claim terms are alleged to violate and any other pertinent information so that applicants can judge the propriety of the objection and consider whether there is an "appropriate correction." The other objections in the Office Action indicate the rule that is being violated, but part 6 does not. The lack of such information violates 35 USC 132 and 37 CFR 1.104(a)(2).

Furthermore, the comments are confusing. They state that applicants are "reminded that such term is considered as language that only suggests or makes optional, but does not require steps to be performed or does not limit a claim to be a particular structure. Thus, it does not limit the scope of a claim or claim limitation." Applicants note that there has been no previous discussion of the terms in the examination of this application. Of much greater concern, however, is the possible implication that the claim limitations containing such terms may be disregarded. Noting that the prior art rejections in the Office Action appear to consider the claim limitations containing such terms, applicants respectfully request clarification or retraction of such statements so that there is no confusion.

Applicants therefore request that the Office Action be corrected in the two respects identified above. Pursuant to MPEP 710.06, applicant further requests that the reply period be reset or restarted to be at least one month according to the mailing date of any such corrected or supplemental Office Action.

**December 27, 2006**

Date

Respectfully submitted,



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TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

NOKI14-00025

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/IB00/01434

INTERNATIONAL FILING DATE

27 September 2000

PRIORITY DATE CLAIMED

29 September 1999

TITLE OF INVENTION

MULTILAYER TELECOMMUNICATIONS NETWORK

APPLICANT(S) FOR DO/EO/US

Jori Arrakoski, Ari Leppa, Nico, Van Waes

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - A. Certificate of Mailing by Express Mail

B. Postcard Receipt

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... **\$1040.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... **\$890.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$740.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$710.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ 890.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	35 - 20 =	15	x <b>\$18.00</b>	\$ 270.00
Independent claims	5 - 3 =	2	x <b>\$84.00</b>	\$ 168.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$280.00</b>	\$

**TOTAL OF ABOVE CALCULATIONS =** \$ 438.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

+

**SUBTOTAL =** \$ 1328.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =** \$ 1328.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property +

\$

**TOTAL FEES ENCLOSED =** \$ 1328.00Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 1328.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 50-0208 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0208. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SIGNATURE

Robert H. Kelly

NAME

33,922

REGISTRATION NUMBER

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
5 April 2001 (05.04.2001)

PCT

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**WO 01/24453 A1**

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(74) Agents: SLINGSBY, Philip, Roy et al.; Page White & Farrer, 54 Doughty Street, London WC1N 2LS (GB).

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9923070.8 29 September 1999 (29.09.1999) GB

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(81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(72) Inventors; and

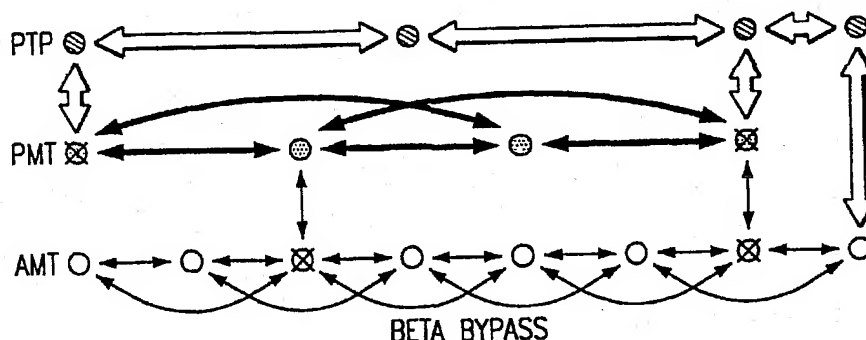
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Published:

— With international search report.

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: MULTILAYER TELECOMMUNICATIONS NETWORK



(57) Abstract: A communications system comprising: a first network comprising a plurality of first network subscriber units and a first network sink node unit capable of wireless communication with the first network subscriber units; and a second network geographically at least partly overlapping the first network and comprising a plurality of second network subscriber units and a second network sink node unit capable of wireless communication with the second network subscriber units; and a dedicated connection between the first network sink node unit and a second network unit capable of communication in the second network, whereby a first network subscriber unit may be provided with a communication path to another second network unit.

WO 01/24453 A1